

Kenneth H. Bridges (SBN 243541)
kbridges@bridgesmav.com

Michael T. Pieja (SBN 250351)
mpieja@bridgesmav.com

Lawrence Lien (SBN 265851)
llien@bridgesmav.com

BRIDGES & MAVRAKAKIS LLP

3000 El Camino Real

One Palo Alto Square, 2nd Floor

Palo Alto, CA 94306

Telephone: (650) 804-7800

Facsimile: (650) 852-9224

James Shimota (*pro hac vice*)

jshimota@bridgesmav.com

Aaron Taggart (SBN 258287)

ataggart@bridgesmav.com

BRIDGES & MAVRAKAKIS LLP

180 N LaSalle, Suite 2215

Chicago, IL 60601

Telephone: (312) 216-1620

Facsimile: (312) 216-1621

John Steele (SBN 122872)

john.steele@johnsteelelaw.com

JOHN STEELE, ATTORNEYS AT LAW

2225 E. Bayshore Rd., Suite 200

Palo Alto, CA 94303

Telephone: (650) 320-7662

ATTORNEYS FOR DEFENDANT
APPLE INC.

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FLATWORLD INTERACTIVES LLC

Plaintiff,

v.

APPLE INC.

Defendant.

Case No. 3:12-01956-JSW (EDL)

**DECLARATION OF MICHAEL T. PIEJA
IN SUPPORT OF APPLE INC.'S MOTION
TO DISQUALIFY HAGENS BERMAN
SOBOL SHAPIRO LLP OR, IN THE
ALTERNATIVE, TO STAY
PROCEEDINGS**

1 I, Michael T. Pieja, declare and state as follows:

2 1. I am an attorney at Bridges & Mavrakakis LLP, counsel of record for Defendant
3 Apple Inc. in the above-captioned matter. The matters referred to in this declaration are based on
4 personal knowledge and if called as a witness I could, and would, testify competently to these
5 matters.

6 2. Attached hereto as **Exhibit 1** is a true and correct copy of an April 2011 email thread
7 reflecting correspondence between FlatWorld, Nokia, and John J. McAleese III, Bates labeled
8 FWAPP00004777-4779.

9 3. Attached hereto as **Exhibit 2** is a true and correct copy of a March 9, 2010 email from
10 FlatWorld to Google, Bates labeled FWAPP00006343.

11 4. Attached hereto as **Exhibit 3** is a true and correct copy of FlatWorld's Corrected
12 Second Amended Privileged and Redaction Document Log, served on April 3, 2013. FlatWorld's
13 Second Amended Privilege Log was served on March 29, 2013 and typographical errors were
14 corrected on April 2, 2013 and April 3, 2013.

15 5. Attached hereto as **Exhibit 4** is a true and correct copy of the Amended Morgan,
16 Lewis & Bockius LLP ("Morgan Lewis") Privileged and Redaction Document Log, served on April
17 16, 2013 and prepared by Hagens Berman, counsel for FlatWorld.

18 6. Attached hereto as **Exhibit 5** is a true and correct copy of the Amended John J.
19 McAleese III Privileged and Redaction Document Log, served on April 16, 2013 and prepared by
20 Hagens Berman, counsel for FlatWorld.

21 7. Attached hereto as **Exhibit 6** is a true and correct copy of all entries from Exhibit 4
22 and Exhibit 5, as well as the entries from Exhibit 3 relevant to John J. McAleese III, sorted in
23 chronological order.

24 8. Attached hereto as **Exhibit 7** is a true and correct copy of an April 17, 2013 email
25 from Elizabeth K. Blenner of Susanin Widman & Brennan, PC to James A. Shimota and Kenneth H.
26 Bridges of Bridges & Mavrakakis LLP, attaching pleadings from the above-captioned litigation
27 located by John J. McAleese III on his computer.

1 9. I have reviewed the pleadings attached to Exhibit 7 and they include Apple's Answer
2 and Apple's Invalidity Contentions that were served on FlatWorld in this matter.

3 10. Attached hereto as **Exhibit 8** is a true and correct copy of an email produced by John
4 J. McAleese III that includes an email I sent to FlatWorld's outside counsel, serving them with
5 Apple's Invalidity Contentions in this action, Bates labeled JM-00000001-2.

6 11. Attached hereto as **Exhibit 9** is a true and correct copy of FlatWorld's first Privileged
7 and Redaction Document Log, served on February 22, 2013.

8 12. Attached hereto as **Exhibit 10** is a true and correct copy of a summary chart including
9 the 55 entries from Exhibit 9 that relate to John J. McAleese III and tracking how these entries
10 changed from February 22, 2013, when FlatWorld served its Privileged and Redaction Document
11 Log, to February 27, 2013, when FlatWorld served its Amended Privileged and Redaction Document
12 Log, and then to March 29, 2013 and April 3, 2013, when FlatWorld served its Second Amended
13 Privileged and Redaction Document Log and typographical corrections thereto. Each page tracks
14 the changes to one separate entry in the log. Changes made in the February 27 log are in red, and
15 those made in the March 29 and April 3 logs are in blue.

16 13. Attached hereto as **Exhibit 11** is a true and correct copy of a document Bates labeled
17 John J. McAleese III Production 304-308, which was provided by Mr. McAleese's attorneys in
18 response to a request for John J. McAleese III's phone bill from February 24, 2012 – March 23,
19 2012.

20 14. Attached hereto as **Exhibit 12** is a true and correct copy of a printout from the
21 website of Hagens Berman, printed on May 7, 2013 showing Mark S. Carlson's attorney profile and
22 telephone number.

23 15. Attached hereto as **Exhibit 13** is a true and correct copy of FlatWorld's Amended
24 Privileged and Redaction Document Log, served on February 27, 2013.

25 16. Attached hereto as **Exhibit 14** is a true and correct copy of a February 27, 2013 email
26 from Hagens Berman to Apple attorneys enclosing FlatWorld's Amended Privileged and Redaction
27 Document Log.
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1 17. Attached hereto as **Exhibit 15** is a true and correct copy of a revised excerpt of
2 FlatWorld's Corrected Second Amended Privileged and Redaction Document Log, as this excerpt
3 was served by FlatWorld on April 26, 2013.

4 18. Attached hereto as **Exhibit 16** is a true and correct copy of a February 26, 2013 email
5 from John J. McAleese III to Scott Garner, Bates labeled MLB_A0000041-MLB_A0000042.

6 19. Attached hereto as **Exhibit 17** is a true and correct copy of a January 9, 2007 Apple
7 press release, downloaded on May 7, 2013.

8 20. Attached hereto as **Exhibit 18** is a true and correct copy of FlatWorld's Responses to
9 Apple Third Set of Interrogatories Nos. 14-15, served on May 3, 2013.

10 21. Attached hereto as **Exhibit 19** is a true and correct copy of a June 13, 2007 email
11 from John J. McAleese III to Daniel Golub, Bates labeled JM-00000036.

12 22. Attached hereto as **Exhibit 20** is a true and correct copy of the Privileged and
13 Redaction Log served by third-party Rembrandt IP Management, LLC on April 23, 2013.

14 23. Attached hereto as **Exhibit 21** is a true and correct copy of a summary listing those
15 entries from Exhibit 20 that reflect direct communications between individuals at FlatWorld and
16 Rembrandt IP.

17 24. Attached hereto as **Exhibit 22** is a true and correct copy of a document bearing Bates
18 numbers MLB_A0000013-17 that was produced by Morgan Lewis. Morgan Lewis has informed us
19 that this document was retrieved from a search of the computer of John J. McAleese III.

20 25. Exhibit 22 indicates that the majority of the edits were made by "MCAL5094."
21 Michael J. Ossip, General Counsel for Morgan Lewis, stated that MCAL5094 identifies user John J.
22 McAleese III.

23 26. Attached hereto as **Exhibit 23** is a true and correct copy of a document that Morgan
24 Lewis described as a log of documents located by Morgan Lewis on John J. McAleese III's Morgan
25 Lewis computer, which was provided to Apple's litigation counsel and Hagens Berman on March
26 26, 2013.

27 27. Attached hereto as **Exhibit 24** is a true and correct copy of a document Bates labeled
28

1 MLB_F0000216, which I understand was located on John J. McAleese III's Morgan Lewis
2 computer and was produced in response to Apple's subpoena.

3 28. Attached hereto as **Exhibit 25** is a true and correct copy of a document Bates labeled
4 JM-00000045 and entitled "Variety of Acacia-Patent Holder Relationship Models: Patent Holder's
5 Choice," which I understand was located on John J. McAleese III's Morgan Lewis computer and
6 was produced in response to Apple's subpoena.

7 29. Attached hereto as **Exhibit 26** is a true and correct copy of a document Bates labeled
8 MLB_F0000218-229 and entitled "Exclusive License Agreement," which I understand was located
9 on John J. McAleese III's Morgan Lewis computer, and was produced in response to Apple's
10 subpoena.

11 30. Attached hereto as **Exhibit 27** is a true and correct copy of a July 2, 2010 email from
12 Vanja Buvac to Thomas Reilly produced by ICAP Ocean Tomo, Bates labeled ICAP00003367-
13 3368.

14 31. Attached hereto as **Exhibit 28** is a true and correct copy of an email chain from
15 FlatWorld to John J. McAleese III, including correspondence with Nokia, Bates labeled
16 FWAPP00004699-4700.

17 32. Attached hereto as **Exhibit 29** is a true and correct copy of an article entitled
18 "Making Their Move at the ITC," Bates labeled MLB_F0000327-328, dated April 8, 2011, which
19 was produced by Morgan Lewis in response to Apple's subpoena, and which I understand was
20 located on John J. McAleese III's Morgan Lewis computer.

21 33. Attached hereto as **Exhibit 30** is a true and correct copy of an April 10, 2013 email
22 from Ryan Meyer of Hagens Berman to James A. Shimota of Bridges & Mavrakakis LLP.

23 34. **Exhibit 31** has been intentionally omitted.

24 35. **Exhibit 32** has been intentionally omitted.

25 36. Attached hereto as **Exhibit 33** is a true and correct copy of a summary of data from
26 Exhibit 6, including those privilege log entries relating to John J. McAleese III that reference
27 litigation in the subject matter description.
28

1 37. Attached hereto as **Exhibit 34** is a true and correct copy of an April 11, 2012 email
2 from John J. McAleese III to Michael Bloom, then General Counsel at Morgan Lewis, Bates labeled
3 MLB_A0000028.

4 38. Attached hereto as **Exhibit 35** is a true and correct copy of a March 7, 2013 email
5 from Mark Carlson of Hagens Berman to me.

6 39. Attached hereto as **Exhibit 36** is a true and correct copy of a summary of data from
7 Exhibit 6, corresponding communications between John J. McAleese III that appear on the privilege
8 log provided by either the sender or recipient of the email, and are missing from the logs provided by
9 other party to the email.

10 40. Attached hereto as **Exhibit 37** is a true and correct copy of a set of demonstratives
11 that presents portions of several of the exhibits hereto cited by Apple in summary form.

12 41. Attached hereto as **Exhibit 38** is a true and correct copy of an April 4, 2011 email
13 from FlatWorld to Nokia, Bates labeled FWAPP00005248.

14 42. Attached hereto as **Exhibit 39** is a true and correct copy of a January 15, 2012
15 calendar entry for John J. McAleese III with the subject "Meeting on Flatworld," Bates labeled
16 MLB_A0000027.

17 43. On February 13, 2013, Apple took the 30(b)(6) deposition of FlatWorld officer
18 Slavko Milekic. Aaron Taggart of Bridges & Mavrakakis took this deposition. Mr. Taggart
19 informed me that FlatWorld's other officer, Jennifer McAleese, attended the deposition.

20 44. On March 20, 2013, representatives from Apple and FlatWorld attended a settlement
21 conference at Bridges & Mavrakakis LLP's office in Palo Alto, CA. I was present, and observed
22 that FlatWorld officer Jennifer McAleese was also present at this conference.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct to the best of my knowledge and belief.

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26 Executed on May 28, 2013 at Palo Alto, California.

/s/ Michael T. Pieja
Michael T. Pieja

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